

GP

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 08-3356

UNITED STATES OF AMERICA

v.

BRIAN J. NEWMARK,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2-06-cr-00447-GP-1) - *FILE*
District Judge: Hon. Gene E.K. Pratter

Submitted Under Third Circuit LAR 34.1(a)
February 10, 2010

Before: SLOVITER, ROTH and TASHIMA,* Circuit Judges

Judgment

This cause came on to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted under Third Circuit LAR 34.1(a) on February 10, 2010.

On consideration whereof, it is now hereby ORDERED and ADJUDGED

*Hon. A. Wallace Tashima, Senior Judge, United States Court of Appeals for the Ninth Circuit, sitting by designation.

FILED
APR 30 2010
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk


that the judgment of the District Court entered July 28, 2008, be and the same is hereby affirmed. All of the above in accordance with the opinion of this Court.

Attest:

/s/Marcia M. Waldron

Clerk

Dated: March 12, 2010

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched atop a shield. The shield is divided into sections, with a constellation of stars in the upper left. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal.
**Certified as a true copy and issued in lieu
of a formal mandate on April 30, 2010**

Teste: *Marcia M. Waldron*

Clerk, U.S. Court of Appeals for the Third Circuit